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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,164	03/24/2004	John Schmider	13973-1	6477

1059 7590 02/18/2005

BERESKIN AND PARR
40 KING STREET WEST
BOX 401
TORONTO, ON M5H 3Y2
CANADA

EXAMINER

WINNER, TONY H

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,164

Applicant(s)

SCHMIDER, JOHN

Examiner

Tony H. Winner

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10, 11, 13-15 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 5, 7, 9, 12, 16 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Election

1. Applicant's election without traverse of invention I is acknowledged and entered. Claims 1-17 are readable on the elected species. Claims 18-21 has been amended to depend on claims 13 and therefore will also be examined. An action on the merits follows.

Claim Objections

2. Claims 8 and 14 are objected to because of the following informalities:
- a. Claim 8 recites "the length" lacks antecedent basis. Suggest applicant replaces it with – a length –.
 - b. Claim 14 recites "to compress the fork yoke and handlebar stem so as to create a frictional connection between them". It is unclear what structure is the words "between them" referring to. Suggest applicant removes the words "between them".
- Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 10, 11, 13-15, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen (US. patent 5,803,207).

Nielsen discloses a bicycle having at least a portion of control cable internally routed comprising:

- a. a frame, said frame including a head tube;
- b. a handlebar stem received and supported in said head tube, said handlebar stem having an internal passageway therethrough;
- c. a handlebar secured to said handlebar stem;
- d. a fork having a fork yoke, said handlebar stem adapted to be inserted into a first end of the fork yoke,
- e. a connector adapted to be placed around the outside of a portion of the fork yoke and handlebar stem and connect the fork yoke to the handlebar stem,
- d. a control lever secured to said handlebar; and a control cable attached to said control lever and extending from said control lever through said passageway in said handlebar stem and attached to a control mechanism.

With regard to claims 2-5, 6, 10-11, 14-15, and 17 Nielsen discloses all of the claimed limitations.

Note: The examiner takes position that the word “adapted” is not a positive limitation but only requires the ability to so perform. Therefore, Nielsen meets all the functional language limitations in the broadest sense.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen in view of Fairfield et al. (US. patent 5,323,664).

Nielsen is disclosed above but lacks the teaching of handlebar position adjustment along the length of the handlebar stem.

Fairfield teaches an adjustment for a handlebar along the length of the handlebar stem so as to provide both riding comfort and efficient operation of the bicycle.

Based on the teaching of Fairfield, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handlebar stem of Nielsen to include the adjustment feature of Fairfield so as to provide both riding comfort and efficient operation of the bicycle.

With regard to claims 18-20, Nielsen as modified by Fairfield meets all of the claimed limitations.

Note: The examiner takes position that the word “adapted” is not a positive limitation but only requires the ability to so perform. Therefore, Nielsen as modified by Fairfield meets all the functional language limitations in the broadest sense.

Allowable Subject Matter

5. Claims 5, 7, 9, 12, 16, and 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Oi (US. pub. 2005/0029772 A1), Karpowich ('978), Arbeiter ('123), Su ('385), Yamazaki et al. ('798), Chonan ('404), Cristie ('435), Diekman et al. ('755), and Palmer (689,217) are cited of interest.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Anthony H. Winner whose telephone number is (703) 306-5957. The examiner can normally be reached on Monday-Friday from 9:30 am to 6:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris, can be reached at (703) 308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

8. Information regarding the status of an application may be obtained from the Patent Application Information-Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



TONY WINNER
PATENT EXAMINER

February 10, 2005